

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

52
1/14/02
S

Kim Smith :
Plaintiff : Civil Action N. 1:01-0817
: (Caldwell,J.)
: (MannionM.J.)
:
vs. :
:
James Morgan et al :
Defendants :
:

FILED
SCRANTON
JAN 14 2002
PER
DEPUTY CLERK

MOTION FOR ENLARGEMENT OF TIME

AND now comes pro-se petitioner Nunc Pro Tunc a lay person not lettered in legal matters prays a less stringent standard be applied to this pro-se pleading for enlargement of time avers these fact:

There is 460 pages of exhibits the petitioner must get copies of for 2 counsels and the court, in which petitioner does not have \$ 138.00 for such nor does he have funds for postage of these items that have been requested by the defendants counsel for their interrogatories that have been requested.

Since November 2001 petitioner has tried to get these items copied threw staff and contacting Kanbis Dascani and she has failed to set up a time or approve these items get copied. I have written the Warden, Deputy Johnson, Counsel Moser, Mr. Smith Ms. K. Dascania, and the Business offices and these request have since been met with a level of indifference, and said copies have not been approved and petitioner does not see it forth coming , and will not turn over his only copies to the defendants in this institution.

Please be advised that petitioner is unable to get copies of the enclosed and if the defendants attorneys wish to get a copy of the exhibits setforth in this motion for time they must do so threw the court,

since petitioner as of this date has been prohibited for getting copies Jan 6, 2002, and can not provide such.

Copies of exhibits are need to show a pattern of abuse that petitioner has collected since 1998 to this date and it will able both the defense and petitioner the ability to adequately address the claims set forth in his amended complaint and give substance to the issues in this complaint.

Petitioner request an enlargement of time until the correctional defendants copy petitioner exhibits or petitioner can afford to get these exhibits copied, at his pay rate will take some time such is needed for Petitioner to adequately be deposed.

In the defendants attorneys reply he states that I was to contact Ms. Dascania to get copies I have and she has failed to reply to request. More over if their was not a problem with out going mail the defendants attorney would not get thier copies of petitioner weeks after the court, and this institution staff is not supportive of assistingpetitioner in his litigational efforts, per- statement by their counsel for the coping of evidence for their defense. I must state if this claim does not have a form of substance why would this institution or the department of correction deny and hinder any attempts to submit any evidence. Their is evidence that is hand written by staff at S.C.I. Smithfeild, and S.C.I. Coal Township that would supprt petitioner claimed abuse that has since been on going and continues when seeking health care, at present boils behind knew, and right shoulder pain, one institution states bones spurs and alsto-arthritis in right shoulder and when seen at S.C.I. Coal they have stated to me their is nothing wrong and has since made step to treat this condition. Alter sound would not solve the problem thius is an operational issue as long as their is bone spurs petitioner will be in pain.

A copy of the 460 pages for count and both counsel is needed, to present this case to the court. They consist of written requset and replies form medical staff, grievance to final review and how this form of abuse was supported by Camp Hill, and Misconducts such as petitioner would not obey a order of a C.O. to sign a medical refusal form, and petitioner did not as long as this C.O. knowingly and ententional with held petitioner health care device namely a C-Pap device for his sleep

apena when this C.O. had no medical knowledge or authority to make an order that a inmate sign a medical refusal form when petitioner was not refusing health care but being denied such by this officer and correctional institutional staff when they had no authority to do so, or make such an order that inmate must sign a refusal form, as long as this C.O. was with holding the health care device from inmate who had it approved.

For this reason petitioner request an enlargement of time to get the requested evidence copied and the interrogatories to have attached as evidence. So that both parties can adequate present their case to the court, in the name of justice.

Enlargement of time for 40 days is requested after petitioner can get the requested copies made.

RESPECTFULLY SUBMITTED

A handwritten signature in cursive script, appearing to read "Kim Smith", written in dark ink.

PROOF OF SERVICE

I certify a true and correct copy of this motion was sent to the below listed parties on or about Jan 9, 2002 by handing a envelope containing a copy of this motion to be forwarded to the United States Postal Service to Mail first class to the below listed parties.

Clerks Office
United States District Court
Middle District of Pennsylvania

John Tababe Esq.
P.O. Box 598
Camp Hill Pa. 17001-0598

James Young Esq.
#01 Market St
P.O. Box 1245
Harrisburg Pa. 17108-1245

VERIFICATION

I Kim Smith swear/affirm under the penalties provided by 18 Pa. C.S. § 4904 (unsworn falsification that the facts contained in the enclosed motion for enlargement of time was sent to the below listed parties on or about Jan. 8 2002.

Date _____

Kim Smith CT-2162

1 Kelley Dr.

Coal Township Pa. 17866-1021

Prothonotary's Office

Supreme Court of Pennsylvania

Western District

Darren M. Breslin

Kim Smith

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Kim Smith's copy</i> <i>Randio Laccare</i>		2. Date: <i>1-7-02</i>	
3. By: (Print Inmate Name and Number) <i>Kim Smith CT2162</i> <i>Kim Smith</i> Inmate Signature		4. Counselor's Name <i>Mr. Moser</i>	
		5. Unit Manager's Name <i>Mr. Smith</i>	
6. Work Assignment <i>F/L</i>		7. Housing Assignment <i>D-2-19</i>	
8. Subject: State your request completely but briefly. Give details. <i>Me: I've sent you several request concerning legal copies to meet the demands of court order and request by DOC and Wexford Health; Counsel for interrogatives and discovery and you have failed to reply to any of my request as sets up a process to get copies of material that you caused have requested. Why have you repeated to acknowledge this request as it is hindering my litigation</i> <i>Copy sent to W.E. Rainall Jr. P.O. Camp Hill, James D. Young, Deputy Johnson, Warden Ellis, Mr. Moser, Mr. Smith, Randio Laccare, U.S. District Court Kim Smith</i>			
9. Response: (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>			
To DC-14 CAR and DC-15 IRS <input type="checkbox"/>			

Staff Member Name _____ / _____ Date _____
Print Sign

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INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>James Young Esq</i> <i>Kambui Procani</i>		2. Date: <i>1-7-02</i>	
3. By: (Print Inmate Name and Number) <i>Kim Smith CTA162</i> <i>Kim Smith</i> Inmate Signature		4. Counselor's Name <i>Mr Moser</i>	
		5. Unit Manager's Name <i>Mr Smith</i>	
6. Work Assignment <i>F/S</i>		7. Housing Assignment <i>D-2-19</i>	
8. Subject: State your request completely but briefly. Give details. <i>How I've sent you several request concerning legal papers to meet the demands of Court order and request by D O C and I support it with Counsel for investigation and I'm concerned you have failed to reply to any of my request and it up I'm forced to get a lawyer involved that would demand for payment but why have you refused to acknowledge the request or it's handling my litigation.</i> <i>my work to</i> <i>at Court I was going to get a lawyer involved</i> <i>with Mr Moser, Mr Smith, Mr Smith, Mr Smith</i> <i>and Mr Smith, Mr Smith, Mr Smith</i>			
9. Response: (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
Print Sign

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INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>U.S. District Court</i> <i>Ramblus Procani</i>		2. Date: <i>1-7-02</i>	
3. By: (Print Inmate Name and Number) <i>Kim Smith CT3162</i> <i>Kim Smith</i> Inmate Signature		4. Counselor's Name <i>Mr Moser</i>	
		5. Unit Manager's Name <i>Mr Smith</i>	
6. Work Assignment <i>F/S</i>		7. Housing Assignment <i>D-2-19</i>	
8. Subject: State your request completely but briefly. Give details. <i>Sir: I've sent you several requests concerning legal copies to meet the demands of Court orders and request by D.O.C and Wexford Health Counsel for interrogatories and discovery and you have failed to reply to any of my requests or set up a process to get copies of material that your counsel has requested. Why have you repeated to acknowledge this request as it is hindering my litigation.</i>			
Copies sent to: <i>W.E. Russell Jr, Esq, James Grogg, Deputy Johnson, Warden Bille, Mr Moser, Mr Smith, Ramblus Procani</i> <i>U.S. District Court, Kim Smith</i>			
9. Response: (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>			
To DC-14 CAR and DC-15 IRS <input type="checkbox"/>			

Staff Member Name _____ / _____ Date _____
Print Sign

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INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Mr Smith Mr Parrall</i>	2. Date: <i>1-7-02</i>		
3. By: (Print Inmate Name and Number) <i>Kim Smith CT8162</i> <i>Kim Smith</i> Inmate Signature	4. Counselor's Name <i>Mr Moore</i>		
	5. Unit Manager's Name <i>Mr Smith</i>		
6. Work Assignment <i>F/S</i>	7. Housing Assignment <i>D-2-19</i>		
8. Subject: State your request completely but briefly. Give details. <i>Sir: I've sent several request to staff concerning legal copies to met the demands of Court order and request by DOC and Maryland Health Council for interrogatories and discovery and and they have failed to reply to any of my requests or not up or process to get copies of material that your counsel has requested. I've been you repeated to acknowledge this request and it is pushing my litigation.</i> <i>Copy sent to: W. E. Parrall Jr. Sgt. James D. Young Deputy Johnson, Warden William M. Moore, Mr. Smith, Randee Braxton, U.S. District Court Leon Smith</i>			
9. Response: (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>			
To DC-14 CAR and DC-15 IRS <input type="checkbox"/>			

Staff Member Name _____ / _____ Date _____
Print Sign

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1. To: (Name and Title of Officer) <i>U.S. District Court Md.</i>	2. Date: <i>12-25-01</i>
3. By: (Print Inmate Name and Number) <i>Kim Smith CT2168</i> <i>Kim Smith</i> Inmate Signature	4. Counselor's Name <i>Mr. Moore</i> 5. Unit Manager's Name <i>Mr. Smith</i>
6. Work Assignment <i>FLS</i>	7. Housing Assignment <i>D-2-19</i>
8. Subject: State your request completely but briefly. Give details. <i>It has come to my attention, thru cellmate Dennis Benjamin, that he was infected with TB and, maybe a carrier of this disease and I'm concerned about my health and becoming infected with such. I've in the past few weeks he's been coughing and spitting and stating he has no breath. I'm not sure if there are symptoms or not since I've never been infected. What steps can be taken to ensure my health safety. Copy sent to U.S. District Court, Walter Dillie, Deputy Johnson, Medical Director. Mr. Samuel C.H.C. Kim Smith</i>	
9. Response: (This Section for Staff Response Only)	
To DC-14 CAR only <input type="checkbox"/> To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
 Print Sign

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INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Warden Gellis Mr. Moore</i>		2. Date: <i>1-7-02</i>	
3. By: (Print Inmate Name and Number) <i>Kim Smith (TAK-2)</i> <i>Kim Smith</i> Inmate Signature		4. Counselor's Name <i>Mr. Moore</i>	
		5. Unit Manager's Name <i>Mr. Smith</i>	
6. Work Assignment <i>F/S</i>		7. Housing Assignment <i>D-2-19</i>	
8. Subject: State your request completely but briefly. Give details. <i>Sir: I've sent your office several request concerning legal copies to meet the demands of court order and request by DCC and Wexford Health Counsel for interrogatories and discovery and you have failed to reply to any of my request or set up a process to get copies of material that your counsel have requested. Why have you repeated to not acknowledge this request as it is hindering my litigation</i>			
Copy sent to: <i>W. E. Rauloff Jr, Esq., James D. Young, Deputy Johnson</i> <i>Warden Gellis, Mr. Moore, Mr. Smith</i> <i>Kankia Dasean, U.S. District Court, Kim Smith</i>			
9. Response: (This Section for Staff Response Only)			
<i>Mr. Smith I have no idea what you are talking about - Any request you give to me is answered the same day of receipt.</i>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____
Print

Sign

Date

1-7-02

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Mr Voeckler Business Office</i>		2. Date: <i>12-2-01</i>	
3. By: (Print Inmate Name and Number) <i>Kim Smith CTA162</i> <i>Kim Smith</i> Inmate Signature		4. Counselor's Name <i>Mr Grosse</i>	
		5. Unit Manager's Name <i>Mr Smith</i>	
6. Work Assignment <i>F/S</i>		7. Housing Assignment <i>D-2-19</i>	
8. Subject: State your request completely but briefly. Give details. <i>Mr. Corrections attorney advised me to get with your office to inspect legal material and copy such and provide such to the Correction counsel, or means of interrogatories. Please contact</i> <i>James Young Esq</i> <i>cc</i> <i>Pa Dept of Correction</i> <i>301 Market St</i> <i>55 W. Way Dr.</i> <i>Phoenixburg Pa 17103-1345</i> <i>Camp Hill Pa 17011</i> <i>(717) 731-0444</i> <i>as I do not have the funds to provide them with copies nor will I turn over said material to be copied without being present at time of copying. Thank you</i>			
9. Response: (This Section for Staff Response Only)			
Per DC ADM 804, an indigent inmate is only permitted to make copies when appealing to the Secretary's Office of Inmate Grievances.			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name William Voeckler, Bus. Mgr.
Print

William Voeckler
Sign

Date 12/13/01

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INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Mr Smith</i>		2. Date: <i>1-7-02</i>	
3. By: (Print Inmate Name and Number) <i>Kim Smith CT3162</i> <i>Kim Smith</i> Inmate Signature		4. Counselor's Name <i>Mr Moser</i>	
		5. Unit Manager's Name <i>Mr Smith</i>	
6. Work Assignment <i>F/S</i>		7. Housing Assignment <i>D-2-19</i>	
8. Subject: State your request completely but briefly. Give details. <i>Mr: We sent several request to staff concerning legal copies to meet the demands of Court order and request by DOK and Wexford Health Counsel for interrogatories and discovery and and they have failed to reply to any of my request or set up a process to get copies of material that your counsel has requested. Why have you repeated to acknowledge this request as it is hindering my litigation</i>			
<i>Copy sent to: W. E. Purgill Jr. Esq, James A Young Deputy Johnson</i>			
<i>Warden Gilliam, Mr Moser, Mr Smith</i>			
<i>Kandis Daarani, U.S. District Court Kim Smith</i>			
9. Response: (This Section for Staff Response Only)			
<i>Mr Smith, I am sure they will get back with you.</i>			
<i>[Signature]</i>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
Print Sign

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1. To: (Name and Title of Officer) <i>Mr Voekler Business Office</i>		2. Date: <i>12-8-01</i>	
3. By: (Print Inmate Name and Number) <i>Kim Smith CT2162</i>		4. Counselor's Name <i>Mrs. Moser</i>	
<i>Kim Smith</i> Inmate Signature		5. Unit Manager's Name <i>Mr Smith</i>	
6. Work Assignment <i>F/S</i>		7. Housing Assignment <i>D-2-19</i>	
8. Subject: State your request completely but briefly. Give details. <i>Sir: Could you please provide me with a copy of your letter in re about Nov 2001, in which you returned to me several (?) legal envelopes for reason to tally file date. Attached is a cash slip for 3 copies. \$.30.</i>			
<i>Thank you.</i>			
9. Response: (This Section for Staff Response Only)			
Here is one copy of my memo dated Nov. 21, 2001. If you need additional copies you need to go to the Library. We do not make copies for inmates.			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name William Voekler, Bus. Mgr.
Print

William Voekler
Sign

Date 12/13/01